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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on June 28, 2004

Date of Meeting: December 15, 2003

The Mayor and Council of the city of Tucson met in regular session, in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona, at 2:58 p.m., on Monday, December 15, 2003. All members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

#### Present:

José J. Ibarra	Council Member Ward 1
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor Ward 6
Robert E. Walkup	Mayor
Roger Randolph	Deputy City Clerk

#### Absent/Excused:

Carol West	Council Member Ward 2
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#### Staff Members Present:

James Keene	City Manager
Mike Letcher	Deputy City Manager
Kendall Bert	Economic Development Director
Scott Douthitt	Finance Director
Michael House	City Attorney
Michael McCrory	Assistant City Attorney
Leonard Castro	City Clerk's Office
Debra Counseller	Recording Secretary
Carrie Fairchild	Recording Secretary

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor William Seale, Copper Mountain Assembly of God, after which the pledge of allegiance was presented by the entire assembly.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced that city manager's communication number 644, dated December 15, 2003, would be received into and made a part of the record. He also announced that this was the time for any member of the council to report on current events and asked if there were any reports.

### **A. Downtown Parade of Lights**

Vice Mayor Ronstadt said a lot of people had enjoyed the Downtown Parade of Lights last Saturday and presented the award for the "Best Council Float" for the 2003 Downtown Parade of Lights to Council Member Dunbar and the ward 3 neighbors.

Mayor Walkup said those who missed the parade had missed a really big deal.

Council Member Dunbar challenged all council members to have a float in next year's Downtown Parade of Lights. She really had a good time, it was fun to pull everything together and get all of the ward 3 neighborhoods involved. The kids and everyone had a great time and she would bring photographs to show at the next meeting.

Mayor Walkup asked if there were any further reports.

### **B. National League of Cities Meeting**

Council Member Scott said she was unable to participate in the parade this year because she was at the National League of Cities meeting, serving as the vice chair for one of its committees. She would be bringing a couple of resolutions from that meeting to the council and she wanted people to know she was not present at the parade because she was actually doing deep national work and she was very proud of what had come forward.

### **C. Ward 4 - Adopt a Family**

Council Member Scott stated that the ward 4 office, in lieu of having those kinds of events, adopted a family to support this Christmas. That was their gift to the community.

Mayor Walkup asked if there were any other reports. There were none.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced that city manager's communication number 645, dated December 15, 2003, would be received into and made a part of the record. He also announced that this was the time scheduled by the council to allow the city manager to report on current events and asked for his report.

**A. Women's Transportation Seminar**

James Keens, city manager, asked the council to join him in congratulating Jane Duarte, transportation engineering manager, for being selected to attend the Women's Transportation Seminar for the 21st Century leadership program that would be held on the east coast. She was one of 14 people selected from a nationwide pool of candidates for the honor and she had also been elected president of the Tucson Chapter of the Women's Transportation Seminar.

**B. University of Phoenix's Fall 2003 Outstanding Student**

Mr. Keene acknowledged Melissa Knowles, management assistant with the city's comprehensive planning task force, who had been selected as the University of Phoenix's Fall 2003 Outstanding Student. She was recently awarded a Bachelor of Science degree in business management from the University of Phoenix Southern Arizona Campus. She was a wife and mother who earned her associates degree from Pima Community College and was a graduate of the city's Foundation for Leadership Program, which had allowed her to continue to serve as an ambassador for the city of Tucson. He said it was great to see how people's individual efforts and things like the community college program were really helping women and men in the community.

**C. Departure of Assistant Chief Bob Lehner**

Mr. Keene wanted to formally restate the departure of Assistant Chief Bob Lehner, even though it was announced on Channel 12. Chief Lehner would be leaving the city after a 25-year tenure with the Tucson Police Department and would at the end of the month become a chief of police. Tucson would certainly miss him. Mr. Keene's said his daughter, who lives in Eugene, had been filling him in on things and Chief Lehner would have his hands full. He asked if would be appropriate for Chief Lehner to comment.

Mayor Walkup said it was.

Chief Lehner said in his travels during the past several months one of the things that he had learned that maybe was remarkable or maybe was not, was the reputation of Tucson all over the country with respect to community cohesion, community government interactions, and certainly the community's policing partnerships. In very general terms Tucson was held in high regard all over the country. That was very significant in terms of selections like his; certainly in Eugene it was specifically important. His success had everything to do with the city of Tucson. Its community and its employees had as much to do with his selection as anything he did personally. He thanked the council and hoped they would visit him Eugene and said his family would be regular visitors to Tucson, especially in the winter.

**D. Demolition of Old City Hall Annex**

Mr. Keene reported that on Tuesday, December 16, 2003, at 11:30 a.m., the old City Hall Annex would be demolished to make way for the new Pennington Street Garage. Preparation was over and the fanfare for the event would take place on the northwest corner of the Ronstadt Transit Center.

#### **E. Downtown Festival of Lights**

As a follow up to Vice Mayor Ronstadt's report, Mr. Keene said the 9<sup>th</sup> annual Downtown Festival of Lights Parade drew approximately 25,000–28,000 people and consisted of elaborate floats, especially one very elaborate float. People turned out even though it was a chilly evening and exceeded last year's audience by about 5,000 people.

#### **F. Dedication of the Renovated Jacome Plaza**

On December 10, 2003, a number of council members and approximately 100 guests attended the dedication of the renovated Jacome Plaza at the Main Library. That was a great event.

#### **G. Tucson New Market's Investment Corporation**

Lastly, Mr. Keene reported that city staff was notified on December 5, 2003, that its newly formed Tucson New Market's Investment Corporation, a non-profit created to garner federal new market tax credits was approved. New market tax credits were new financial tools that were offered by the federal department of the treasury to encourage investment in low-income communities and businesses. With this approval the city's non-profit application for \$90 million in new market tax credits, which the council had previously reviewed and authorized, would be open for consideration. The city should get decisions on that in the spring of 2004.

He said that was all he had to report and wished the council happy holidays.

### **5. CALL TO THE AUDIENCE**

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue that was not scheduled on the agenda. He said there would also be a call to the audience at the end of the meeting. He would limit speakers to three-minute presentations. He had received one written request to speak and called on that person.

#### **A. Win/Win Lease Extension**

Bill Katzel, noted that this would be the last mayor and council meeting of 2003, and that this was the season of giving. He asked that the taxpayers at both the city and federal levels be given a Christmas present with the council's approval of a two year extension to the US Border Patrol facility at 3200 North Silverbell Road. He said the facility had an interesting history.

As the former Tucson Police Academy the facility housed, nurtured, and graduated some of Tucson's finest police officers, some of which still protect and serve the city. After Assistant Chief Miller's championing of a new academy on South Wilmot, the facility on Silverbell was leased by the city to the United States border patrol's Tucson station. Part of the city's decision to lease rather than sell the subject property was based on the hazardous material cleanup costs associated with the former dumpsite under part of the property and the lead hazard cleanup associated with the existing firing range.

The station commander championed a new station at the Davis Monthan Air Force Base location on Swan and Golf Links. Three lesser divisions, training, swat, and search and rescue of the border patrol, backfilled the former station residence and the border patrol's lease reverted to a month to month basis from a multiyear arrangement when the station was housed in the subject facility. When the border patrol station had a multiyear lease, several hundred thousand dollars of border patrol repair and alteration dollars were used to upgrade the old Tucson police academy facility with leasehold improvements. After the three lesser border patrol divisions moved in to replace the departed border patrol station and the lease reverted to month to month the facility deteriorated because of a lack of incentive to invest the leasehold improvement on a month-to-month lease basis. In fact, the city used the facility as an illegal dump, representing it as a materials transfer station.

Mr. Katzel continued that the city also allowed the facility to deteriorate into an unsafe place to work for border patrol personnel and visiting members of the public, vendors, and other law enforcement agencies. Old stately trees were allowed to die and currently presented a safety hazard to personnel and visitors.

The city rectified most of the illegal dump and safety hazards. The city under representations of the real estate division of the department of transportation plans to evict the border patrol, level the property and sell off the land for a mixed income residential development despite the potential hazards from the adjacent super environmental protection agency cleanup underground dump site and the lead hazards from the existing firing range. As a city and federal taxpayer and concerned citizen, he acted as liaison between the border patrol and the city to try to facilitate a better alternative to what the real estate division was proposing.

If the city would be willing to extend the border patrol's current month-to-month lease to a 24-month lease, the border patrol would be willing to invest \$200,000 into additional leasehold improvements that would revert to the city at the end of the lease term. At the current monthly lease of \$5,500 the city would be guaranteed an additional \$132,000 in revenue over the next two years under the terms of the extension. This extension would give the border patrol adequate time to plan and build their new multidivisional facility on the Davis Monthan Campus at Swan and Golf Links. This extension would give the city adequate time to plan for future use of the property while staying in compliance with hazard legislation at both the state and federal levels.

Mr. Katzel recommended that the city take the policy initiative away from the real estate division, put an item on an immediate agenda and vote to extend the existing month-to-month United States border patrol lease for an additional 24 months term at a monthly rate of \$5,500 for an additional two years, for a total of \$132,000. Also contained in the extension would be the provision for the border patrol to invest in \$200,000 worth of tenant improvements. These actions would be truly in the best interest of the city, the border patrol and the public at large.

Mayor Walkup asked if anyone else wished to address the council. There was no one.

## **6. CONSENT AGENDA – ITEMS A THROUGH J**

Mayor Walkup announced that reports and recommendations from the city manager on the consent agenda items would be received into and made a part of the record. He asked the deputy city clerk to read the consent agenda items by letter and title only.

### **A. REAL PROPERTY: ACQUISITION OF RIGHT-OF-WAY FOR A BUS SHELTER AT THE ENTRANCE TO PIMA COMMUNITY COLLEGE – EAST CAMPUS**

- (1) Report from City Manager DEC15-03-637 W4
- (2) Resolution No. 19735 relating to Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located on Fred Enke Drive south of the entrance to Pima Community College-East Campus for a bus shelter; and declaring an emergency.

### **B. GRANT CONTRACT: WITH DEPARTMENT OF COMMERCE, ENERGY OFFICE FOR CONTINUATION OF THE TEACHING ENERGY CONSERVATION PROGRAM**

- (1) Report from City Manager DEC15-03-636 CITY-WIDE
- (2) Resolution No. 19736 relating to operations; approving and authorizing execution of Contract Number 031-04 with the State of Arizona, Department of Commerce, Energy Office for the continuation of Teaching Energy Conservation Program; and declaring an emergency.

### **C. FINANCIAL PARTICIPATION AGREEMENT: WITH GRAFFITI ABATEMENT PROGRAM IN TUCSON FOR ABATEMENT SERVICES**

- (1) Report from City Manager DEC15-03-639 CITY-WIDE
- (2) Resolution No. 19737 relating to Financial Participation Agreements; authorizing and approving fiscal year 2004 Financial Participation Agreement with GAPIT for Graffiti Abatement Services with the City of Tucson; and declaring an emergency.

### **D. REAL PROPERTY: LEASE OF TUCSON HOUSE ANNEX TO COPE BEHAVIORAL SERVICES**

- (1) Report from City Manager DEC15-03-640 W3
- (2) Ordinance No. 9917 relating to real property; authorizing and approving the lease of certain city-owned real property located at 1501 N Oracle Road to Cope Behavioral Services; and declaring an emergency.

- E. GRANT APPLICATION AND AGREEMENT: WITH THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR THE AJO CULTURAL AND HISTORICAL INVENTORY
- (1) Report from City Manager DEC15-03-643 CITY-WIDE
  - (2) Resolution No. 19738 relating to library; authorizing and ratifying the execution of a grant application and agreement with the Arizona State Library, Archives and Public Records for a \$15,000 Library Services and Technology Act Grant: Ajo Cultural and Historical Inventory; and declaring an emergency.
- F. GRANT APPLICATION AND AGREEMENT: WITH THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR THE DISCOVER THE SONORAN DESERT PROGRAM
- (1) Report from City Manager DEC15-03-642 W1 & W5
  - (2) Resolution No. 19739 relating to library; authorizing and ratifying the execution of a grant application and agreement with the Arizona State Library, Archives and Public Records for a \$14,785 Library Services and Technology Act Grant: Discover the Sonoran Desert; and declaring an emergency.
- G. GRANT APPLICATION AND AGREEMENT: WITH THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR THE READY TO READ PROGRAM
- (1) Report from City Manager DEC15-03-641 CITY-WIDE
  - (2) Resolution No. 19740 relating to library; authorizing and ratifying the execution of a grant application and agreement with the Arizona State Library, Archives and Public Records for a \$6,500 Library Services and Technology Act Grant: Ready to Read; and declaring an emergency.
- \* H. FINANCE: WRITE-OFF OF UNCOLLECTED ACCOUNTS RECEIVABLE
- (1) Report from City Manager DEC15-03-634 CITY-WIDE
  - (2) Resolution No. 19742 relating to finance; authorizing the write-off of certain uncollectible accounts, and declaring an emergency.
- I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS, FISCAL YEAR 2004
- (1) Report from City Manager DEC15-03-646 CITY-WIDE

\*See page 8

- (2) Resolution No. 19743 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement with Pima County for the incarceration of City Prisoners, FY03-04; and declaring an emergency.

\* J. **AGREEMENTS: LEASE PURCHASE WITH CONOPCO, CO., DBA: SLIMFAST FOR CERTAIN PROPERTY**

- (1) Report from City Manager DEC15-03-647 W4
- (2) Resolution No. 19744 relating to economic development; authorizing the lease purchase with Conopco, Co.; dba: Slimfast for certain property; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Scott, seconded by Council Member Ibarra, that consent agenda items A through J, with the exception of items H and J, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, Dunbar, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Consent agenda items A through J, with the exception of items H and J, were declared passed and adopted by a roll call vote of 6 to 0, (Council Member West absent/excused).

**6. CONSENT AGENDA – ITEM H**

H. **FINANCE: WRITE-OFF OF UNCOLLECTED ACCOUNTS RECEIVABLE**

Resolution No. 19742

Relating to finance; authorizing the write-off of certain uncollectible accounts, and declaring an emergency.

Mayor Walkup recognized Council Member Ibarra.

\* See page 10



Council Member Ibarra said every year an item regarding write-off of uncollected accounts appeared on the council's agenda and they always asked the manager for a list of those people and those companies that had not paid the amounts they owed the city of Tucson. Every year the council gets a big package, usually about three months after they had asked for the list and it was difficult to decipher. This year he was asking if the council could just get a package of the names and the amounts, who and what was owed in the uncollected accounts. He knew that there were over 14,000 and more than \$2 million dollars. He asked for the name of the person, or the name on the account, and the name of the company and the dollar amount. He asked if that was sufficient or did the manager need more.

Scott Douthitt, finance director, said that information was available, but the only thing that was somewhat restrictive was that on some of the accounts, he would have to confer with legal counsel to see if the dollar amounts could be released. He was referring to business privilege and typically the city cannot release taxpayer information, it was barred by the city's code.

Council Member Ibarra asked for as much as staff could do. He thought the council needed to know who was not paying their taxes in the city and who was not paying their fees to the city of Tucson.

It was moved by Council Member Ibarra, seconded by Council Member Leal, that resolution 19742 be passed and adopted with the caveat that the names and amounts he requested be provided to the council.

Mayor Walkup asked if there was any discussion.

Council Member Leal said in past years when the council discussed this issue, he asked that the city set up an inter-relational data base so that when someone did not pay a sign permit and came in for a water meter hookup the city could refuse the water meter hookup until the sign permit fees were paid, or vice versa. He had been told that that was in process, that the city has been making headway on it. In spite of that the amount that the city writes off continues to grow. He never saw, although he asked that the information be provided, how much the city has yielded from the inter-relational database where it catches people coming in for one thing when they owe the city for something else.

Mr. Douthitt said a great preponderance of the write-offs dealt with city courts. The new court administrator has implemented a collection process that applied to current collections, so in general the amount of write-offs would start decreasing. With that perspective the write-off in the proposed resolution for city courts was for offenses that occurred three to five years ago and the difference was whether they were driving under the influence or not. That was about 70 percent of the write-offs. More than \$2 million proposed for write-off was for city courts. As far as the remainder, staff tries to match people, as Council Member Leal said, if they had delinquent accounts. The finance department did have within its delinquent accounts section a way to compare people that had delinquent accounts in more than one area with the exception of city court because they did not have that information.

Council Member Leal asked if staff had set up an inter-relational database or was it six people with tablets.

Mr. Douthitt said it was basically staff using simple software. They did not have a relational database and actually, there were very few relational databases in the entire city. The city was starting to get into that kind of technology, but as far as who was delinquent on something, staff used programs like Access and Excel to compile and compare lists.

Council Member Leal asked what the dollar value was of the people staff catches that way.

Mr. Douthitt said he did not have that information, but he would provide it.

James Keene, city manager, said he thought when the budget process for information technology began, they would have some discussion about what it would take to develop such a process. It was pretty big in one sense and obviously some of the people the city would like to identify probably trade under different names. They may use one name, or be in an LLC at another time, or other things. Talking about businesses and properties, he said it was not that simple to build that kind of connection using one name.

Council Member Leal said he understood that, but even if there was a 50 percent improvement it would be worth it.

Mayor Walkup asked for a roll call on the motion to pass and adopt resolution 19742.

Upon roll call, the results were:

Aye: Council Members Ibarra, Dunbar, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Resolution 19742 was declared passed and adopted by a roll call vote of 6 to 0, (Council Member West absent/excused).

## **6. CONSENT AGENDA – ITEM J**

### **J. AGREEMENTS: LEASE PURCHASE WITH CONOPCO, CO., DBA: SLIMFAST FOR CERTAIN PROPERTY**

Resolution No. 19744

Relating to economic development; authorizing the lease purchase with Conopco, Co.; dba: Slimfast for certain property; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

Council Member Scott said she was making a statement of clarity regarding the Slimfast facility. Some years ago they were looking to come to Tucson and sometimes when a company came to Tucson both parties wanted to come to an agreement. She asked if staff would clarify the proposed resolution as it was part of the agreement and needed to go forward because the city did have a contract with Slimfast. She thought it would be good for the people to know exactly what the proposed resolution was about, and include the school district.

Kendall Bert, economic development director, said in June of 2000 a pre-annexation agreement was developed between the owners of the property along Rita Road, which included the Slimfast property. In bringing that property in and working through that they identified, in order to convince Slimfast that they should be in the community, that the city would make up the difference in operating costs for a period of ten years between Tucson and the other locations they were looking at. That agreement was included in the annexation agreement and the proposed resolution was simply the document that implements that. The mayor and council approved in June of 2000 the deal terms of how to put the agreement together and the proposed lease purchase agreement implements that. That actually fulfills the city's previous agreement.

Council Member Scott asked when the city becomes partner with them to the extent that they may have owned the property, was the city held liable for anything that might happen during that period or time? Who would take responsibility if there were an unhappy event on the property?

Mr. Bert said there were indemnification's in the agreement that protected the city.

Council Member Scott asked if he was saying that the agreement contained protection clauses to keep the city and the taxpayers whole during this period of time. That was just a general broad stroke. She asked if that was correct.

Michael House, city attorney, said yes, that was so. Mr. House called on Michael McCrory to provide further details.

Michael McCrory, assistant city attorney, said the agreement contain indemnification provisions as well as other provisions. Essentially, the city would hold the title of the property, but since there was already an existing Slimfast facility, the real assets were Slimfast's concern and Slimfast had the right at any time to take back the property. They would lose their excise tax agreement at that point. In the event there were any liability whatsoever, it would obviously be in their interests to recover the property outside of the indemnification of the city because they did not want to lose any of that property and they were also required to defend on any litigation.

Council Member Scott asked if the Vail School District had a letter as part of the agreement or was that not necessary because they might be adversely affected; although they were in favor of the annexation?

Mr. Bert said they were in favor and in fact he met with Alan Baker and others to describe the proposal early on. He would have to go back to see if there was a letter in the file, but he knew that Mr. Baker personally agreed that this was in his interest and the

district's. Mr. Bert thought he would echo that this actually improved their position rather than being a problem for them.

Council Member Scott said they were looking for road money and she did not know if staff had heard that, but she and the mayor had. When Slimfast was exempted from certain taxes, it pulled away from that money. That was why she wanted to know that the Vail School District was definitely on board because all of the partners down there would be looking to see if they could help with the road issue, which was dear to their hearts.

Mr. Bert said staff absolutely cleared the agreement with them when the annexation issue came to the council and they were on board.

Council Member Scott said the agreement covered up to ten years so it had a dollar value.

Mr. Bert said it had a dollar value of a net impact of \$7 million.

Mr. Keene clarified that it was not to exceed \$7 million.

Council Member Scott asked if that was \$7 million over a ten-year period.

Mr. Bert said up to a ten-year period, but staff thought it would be earlier than that.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Scott, seconded by Vice Mayor Ronstadt, that resolution 19744 be passed and adopted.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Dunbar and Scott; Vice Mayor Ronstadt and Mayor Walkup

Nay: Council Members Ibarra and Leal

Absent/Excused: Council Member West

Resolution 19744 was declared passed and adopted by a roll call vote of 4 to 2. (Council Member West absent/excused).

## **7. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced that city manager's communication number 635, dated December 15, 2003, would be received into and made a part of the record. He asked the deputy city clerk to read the liquor license agenda.

### **(b) Person Transfers**

(1) KAPPY'S BAR & SANDWICH PLACE  
2190 N. Wilmot Road

Staff Recommendation

	Applicant: Kurt W. Veitch City #099-03, located in Ward 2 Series 6	Police: In Compliance DSD: In Compliance Bus. Lic: In Compliance
(2)	RIALTO THEATRE 318 E. Congress Street Applicant: Bradley P. Miller City #100-03, located in Ward 6 Series 7	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance Bus. Lic: In Compliance
(c)	<u>Special Event(s)</u>	
(1)	RIALTO THEATRE 318 E. Congress Street Applicant: Jeb B. Schoonover City #T107-03, located in Ward 6 Date of Event: December 31, 2003 (Continued from Mayor and Council meeting of December 8, 2003)	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance
(2)	TUCSON SYMPHONY SOCIETY 140 N. Main Avenue Applicant: Colin A. Columna City #T092-03, located in Ward 1 Date of Event: January 16, 2004	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance
(3)	TUCSON SYMPHONY SOCIETY 140 N. Main Avenue Applicant: Colin A. Columna City #T093-03, located in Ward 1 Date of Event: March 12, 2004	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance
(4)	THE TUCSON RODEO COMMITTEE, INC. 4801 S. 6 <sup>th</sup> Avenue, Tucson Rodeo Grounds Applicant: Gary G. Williams City #T105-03, located in Ward 5 Date of Event: February 21, 2004	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance Parks & Rec.: In Compliance

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Leal, seconded by Council Member Scott, and carried by a voice vote of 6 to 0, (Council Member West absent/excused), to forward liquor licenses applications for 7b(1), Kappy's Bar & Sandwich Place; 7b(2), Rialto Theatre; 7c(1), Rialto Theatre; 7c(2), Tucson Symphony Society; 7c(3), Tucson Symphony Society; and 7c(4), Tucson Rodeo Committee, Inc. to the state department of liquor licenses and control with a recommendation for approval.

## 8. **ZONING: (C9-02-25) DEEP FREEZE DEVELOPMENT – 17<sup>th</sup> STREET, I-1 TO C-3, ORDINANCE ADOPTION**

Mayor Walkup announced that city manager's communication number 648, dated December 15, 2003, would be received into and made a part of the record. He asked the deputy city clerk to read ordinance 9920 by number and title only.

Ordinance No. 9920

Related to zoning: amending zoning district boundaries in the area located on the east side of Mill Street, between 17<sup>th</sup> Street and the railroad tracks in Case C9-02-25, Deep Freeze Development – 17 Street, I-1 to C-3; and setting an effective date.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Leal, seconded by Council Member Ibarra, that ordinance 9920 be passed and adopted.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, Dunbar, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Ordinance 9920 was declared passed and adopted by a roll call vote of 6 to 0, (Council Member West absent/excused).

**9. ZONING: (C9-02-20) CACHITA – FORT LOWELL ROAD II, R-1 TO O-3**

Mayor Walkup announced that city manager's communication number 649, dated December 15, 2003, would be received into and made a part of the record. He asked the deputy city clerk to read ordinance 9921 by number and title only.

Ordinance No. 9921

Related to zoning: amending zoning district boundaries in the area located on the south side of Fort Lowell Road between Wilson and Jackson Avenues in Case C9-02-20, Cachita – Fort Lowell Road II, R-1 to O-3; and setting an effective date.

Mayor Walkup asked the council's pleasure.

Council Member Dunbar said she lives near the subject property and would therefore recuse herself from participating in the discussion and vote on this item due to a potential conflict of interest.

It was moved by Council Member Scott, seconded by Council Member Ibarra, that ordinance 9921 be passed and adopted.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Ordinance 9921 was declared passed and adopted by a roll call vote of 5 to 0 (Council Member Dunbar not voting due to a potential conflict of interest, Council Member West absent/excused).

#### **10. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

Mayor Walkup announced that city manager's communication number 638, dated December 15, 2003, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Leal, seconded by Vice Mayor Ronstadt, and carried by a voice vote of 6 to 0, (Council Member West absent/excused), to appoint Molly Tolucki to the Metropolitan Education Commission.

Mayor Walkup asked if there were any other appointments.

Council Member Scott announced her personal reappointments of Gene Barry to the Community Development Advisory Committee; Betsy Rollings to the Historical Commission; Rosalindo Bravo Garcia to the Urban Native American Affairs Commission; Larry Roberts to the Storm Water Advisory Committee; and Shariz Ali Peera to the Community Development Advisory Committee.

#### **11. ECONOMIC DEVELOPMENT: APPOINTMENTS TO THE TUCSON PIMA ENTERPRISE ZONE COMMISSION**

Mayor Walkup announced that city manager's communication number 650, dated December 15, 2003, would be received into and made a part of the record. He asked the deputy city clerk to read resolution 19745 by number and title only.

Resolution No. 19745

Relating to economic development; appointing the Mayor and two members of the Council to the Tucson Pima Enterprise Zone Commission; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

Council Member Ibarra said he understood that the council was appointing the mayor and two council members to the Tucson Pima Enterprise Zone Commission by passage of the subject resolution. He asked if that was correct.

James Keene, city manager, said that was correct. It was his understanding that the mayor would be an automatic member. The mayor and council would designate the two council appointees.

It was moved by Council Member Ibarra, seconded by Council Member Leal, to pass and adopt resolution 19745, designating himself and Council Member Leal as the two council members on the commission.

Mayor Walkup asked if there was any discussion.

Council Member Scott asked if there was an alternate.

Mayor Walkup said no, there would be two council members on the commission.

Vice Mayor Ronstadt said the subject commission was fairly important and Council Member Ibarra had a problem showing up at meetings. He does not show up at subcommittee meetings and had not showed up at other critical meetings, for example, the retreat on the strategic plan. The commission needed a council member who was responsible and would show up at meetings. He said it was his understanding that the mayor identified council members and the council ratified them through the resolution. He asked staff to respond.

Michael House, city attorney, said no, the law provided that the mayor and council shall vote to appoint the two council members. It was not a matter of ratification.

Vice Mayor Ronstadt said he preferred to have a council member on the subject commission who would show up for meetings.

Council Member Ibarra said the council had just gone through a very tough election and at its beginning the council appointed a vice mayor. They could have played many political games, gone back to the rotation and stopped playing politics, be more mature, but when it came to voting for the vice mayor the mayor chose Vice Mayor Ronstadt and that selection was approved unanimously by the council. He voted for Vice Mayor Ronstadt because he thought the council needed to send a message to the community that they were mature and not as petty as people thought. Most importantly, he thought it was time to get away from the gamesmanship and get down to the business of the city of Tucson. That being the case he was not going to respond directly to Vice Mayor Ronstadt's comments, but he hoped that in the future the council would decide to get things done instead of making political attacks on one another and playing games. He thought the community was tired of that and that was the message they sent at the last election. He called for the question on the motion.

Vice Mayor Ronstadt asked the city attorney if the council could commission appointees at any point or once the decision was made, was it set in stone for any period of time?



Mr. House said he had not researched that question, but he did not see why the mayor and council could not subsequently change its appointees.

Vice Mayor Ronstadt said to be fair he would support the motion as it stood. He asked that the council receives attendance records of the meetings and if there were problems that mayor and council revisit it.

Council Member Ibarra said he would provide DNA samples and eight by ten glossies if needed.

Mayor Walkup asked for the roll call on the motion to pass and adopt resolution 19745, appointing Council Members Ibarra and Leal to the Tucson Pima Enterprise Zone Commission.

Upon roll call, the results were:

Aye: Council Members Ibarra, Dunbar, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: Council Member West

Resolution 19745 was declared passed and adopted by a roll call vote of 6 to 0, (Council Member West absent/excused).

## **12. CALL TO THE AUDIENCE**

Mayor Walkup announced that this was the time any member of the audience was allowed to address the mayor and council on any issue. Speakers would be limited to three-minute presentations. He asked if anyone wished to address the council. There was no one.

## **13. ADJOURNMENT: 3:37 p.m.**

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, January 5, 2004, at 2:00 p.m. in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

## CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the city of Tucson, Arizona held on the 15<sup>th</sup> day of December, 2003 and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

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MANAGEMENT ASSISTANT

KSD:LC:DD:mjv  
Pr agnst tp:lr